

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference GI-012 PCT	FOR FURTHER ACTION		see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/ EP 03/ 08616	International filing date (day/month/year) 04/08/2003	(Earliest) Priority Date (day/month/year) 09/08/2002	
Applicant MAX-PLANCK-GESELLSCHAFT ZUR FÖRDERUNG DER...			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1 _____
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

P 03/08616

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/63 A61K48/00 A61K31/65 A61K41/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, MEDLINE, EMBASE, CHEM ABS Data, SCISEARCH, PASCAL

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
✓ X	WO 00 10612 A (RES DEV FOUNDATION) 2 March 2000 (2000-03-02) page 1, line 3 - line 10; figure 2; example 1 page 6, line 10 -page 7, line 3 ---	1-5, 10, 11
✓ X	YU T-M ET AL: "ILLEGITIMATE RECOMBINATION IN AN ESCHERICHIA-COLI PLASMID MODULATION BY DNA DAMAGE AND A NEW BACTERIAL GENE" JOURNAL OF BACTERIOLOGY, vol. 170, no. 7, 1988, pages 2898-2903, XP009021094 ISSN: 0021-9193 abstract page 2899, column 1, paragraph 2 - paragraph 3 --- -/--	1-5, 10, 11

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

18 November 2003

Date of mailing of the international search report

28/11/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.
Fax: (+31-70) 340-3016

Authorized officer

Vandenbogaerde, A

INTERNATIONAL SEARCH REPORT

International Application No

EP 03/08616

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
✓ A	WO 98 26786 A (UNIV CALIFORNIA) 25 June 1998 (1998-06-25) abstract ---	1-15
✓ A	US 6 017 758 A (ALEXANDER J STEVEN ET AL) 25 January 2000 (2000-01-25) abstract; claims 1-5 ---	1-15
✓ A	CAMBRIDGE S B ET AL: "Photoactivated gene expression" MOLECULAR BIOLOGY OF THE CELL, vol. 7, no. SUPPL., 1996, page 304A XP009021092 Annual Meeting of the 6th International Congress on Cell Biology and the 36th American Society for C; San Francisco, California, USA; December 7-11, 1996 ISSN: 1059-1524 abstract ---	1-15
✓ A	MONROE W T ET AL: "Caged DNA: A novel strategy to induce expression with light" FASEB JOURNAL, vol. 13, no. 4 PART 1, 12 March 1999 (1999-03-12), page A192 XP009021089 Annual Meeting of the Professional Research Scientists for Experimental Biology 99; Washington, D.C., USA; April 17-21, 1999 ISSN: 0892-6638 abstract ---	1-15
✓ X,P	US 2003/018073 A1 (KAO JOSEPH PAO YUNG ET AL) 23 January 2003 (2003-01-23) page 7, column 2, paragraph 2 -page 8, column 1, paragraph 4 ---	1-15
✓ X,P	DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; 2002 CAMBRIDGE S B ET AL: "A CAGED DOXYCYCLINE ANALOG FOR PHOTOACTIVATED GENE EXPRESSION WITH HIGH SPATIOTEMPORAL RESOLUTION." Database accession no. PREV200300315406 XP002261878 abstract & SOCIETY FOR NEUROSCIENCE ABSTRACT VIEWER AND ITINERARY PLANNER, vol. 2002, 2002, page Abstract No. 623.2 32nd Annual Meeting of the Society for Neuroscience; Orlando, Florida, USA; November 02-07, 2002 --- -/--	1-15

INTERNATIONAL SEARCH REPORT

International Application No.

EP 03/08616

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,P	<p>CAMBRIDGE S B ET AL: "A caged doxycycline analog for photoactivated gene expression with high spatiotemporal resolution." MOLECULAR BIOLOGY OF THE CELL, vol. 13, no. Supplement, November 2002 (2002-11), page 407a XP009020912 42nd Annual Meeting of the American Society for Cell Biology; San Francisco, CA, USA; December 14-18, 2002 ISSN: 1059-1524 abstract</p> <p>-----</p>	1-15

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/08616

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: —
because they relate to subject matter not required to be searched by this Authority, namely:
Claims 10 and 12-15: Rule 39.1(iv) PCT – Method for treatment of the human or animal body by therapy and/or Diagnostic method practised on the human or animal body Rule
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

EP 03/08616

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0010612	A	02-03-2000	AU 763183 B2	17-07-2003
			AU 5684599 A	14-03-2000
			CA 2340929 A1	02-03-2000
			CN 1321093 T	07-11-2001
			EP 1109582 A1	27-06-2001
			JP 2002523032 T	30-07-2002
			NZ 509966 A	25-07-2003
			US 2002065243 A1	30-05-2002
			WO 0010612 A1	02-03-2000
WO 9826786	A	25-06-1998	US 5866548 A	02-02-1999
			AU 5520498 A	15-07-1998
			WO 9826786 A1	25-06-1998
US 6017758	A	25-01-2000	US 6242258 B1	05-06-2001
			US 2001024830 A1	27-09-2001
US 2003018073	A1	23-01-2003	NONE	